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and all others similarly situated

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Attorneys for Defendants  
Wells Fargo Bank, N.A. and Wells Fargo & Company

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA P. ENDRES, as an individual, and on  
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and DOES 1 through 125,

Defendants.

Case No.: C-06-7019 PJH

**STIPULATION FOR FILING SECOND  
AMENDED COMPLAINT; ~~PROPOSED~~  
ORDER; SECOND AMENDED COMPLAINT**

Hon. Phyllis J. Hamilton

IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
attorneys of record that Plaintiff may file a Second Amended Complaint, a copy of which is attached  
hereto. This Second Amended Complaint corrects certain alleged dates, adds a new Plaintiff and Class

Representative, KENDAHL BOOSTROM, and adds a new cause of action based on the National Bank Act, 12 U.S.C. sections 85 and 86. Defendants Wells Fargo & Company and Wells Fargo Bank, N.A. (collectively "Wells Fargo") expressly reserve the right to challenge the sufficiency of the allegations contained in the Second Amended Complaint, whether through a motion to dismiss under Rule 12 of the Fed. R. Civ. P. or otherwise.

IT IS FURTHER STIPULATED that Wells Fargo waives notice and service of the Second Amended Complaint, attached hereto.

IT IS FURTHER STIPULATED that, if the Court allows Plaintiffs to file the Second Amended Complaint (attached hereto), Wells Fargo shall then have 30 days from the filing of the Second Amended Complaint to answer or otherwise respond.

DATED: May \_\_, 2007

WELEBIR & McCUNE

By: 

Richard D. McCune  
Attorneys for Plaintiffs

DATED: May 8, 2007

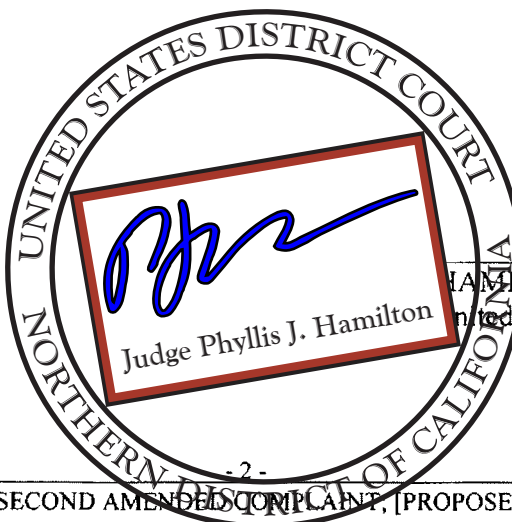
COVINGTON & BURLING LLP

By: 

David M. Jolley  
Attorneys for Defendants

IT IS SO ORDERED.

Dated: 05/09/07



HAMILTON  
United States District Court